

weight of milk fat, had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as required by the act of March 4, 1923.

On November 1, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20477. Adulteration and misbranding of preserves, and misbranding of jams and jelly. U. S. v. Pacific Food Products Co. Plea of guilty. Fine, \$75 and costs. (F. & D. no. 28120. I. S. nos. 12752, 12758, 12760, 12761, 12762, 12763, 22234.)

This action was based on the interstate shipment of quantities of apricot, peach, and strawberry preserves which contained excessive water, due to insufficient evaporation; of a quantity of loganberry preserves made from fruit from which a substantial amount of the juice had been removed, and which also were short weight; of a quantity of apple pectin jelly which was short weight; and of quantities of pectin plum jam and pectin grape jam that bore illegible declarations of the quantity of the contents.

On December 8, 1932, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Pacific Food Products Co., a corporation, Seattle, Wash., alleging shipment by said company in violation of the Food and Drugs Act as amended, on or about June 22, 1931, from the State of Washington, in part into the State of Idaho and in part into the Territory of Alaska, of quantities of apricot, peach, loganberry, and strawberry preserves that were adulterated and misbranded, and of quantities of apple pectin jelly and plum and grape jam that were misbranded. All articles were labeled: "Sunny Jim Brand * * * Pacific Food Products Co. Seattle", and were designated variously "Apricot [or "Peach", "Loganberry", or "Strawberry"] Preserves"; "Pectin Apple Jelly"; "Pectin Plum [or "Grape"] Jam." The loganberry preserves were further labeled, "Contents 2 Lbs. 8 Oz." The apple pectin jelly was further labeled "Net Weight 4½ Lbs."

Adulteration of the apricot, peach, and strawberry preserves was alleged in the information for the reason that excessive water, which had been retained in the articles due to insufficient evaporation, had been mixed and packed with the said articles so as to lower and reduce and injuriously affect their quality and strength, and had been substituted for apricot, peach, and strawberry preserves, which the articles purported to be. Adulteration of the loganberry preserves was alleged for the reason that loganberries from which a substantial amount of the juice had been removed, had been mixed and packed with the article, and had been substituted in part for loganberry preserves, which the article purported to be.

Misbranding of the said apricot, peach, strawberry, and loganberry preserves was alleged for the reason that the statements, "Apricot Preserves", "Peach Preserves", "Loganberry Preserves", and "Strawberry Preserves", borne on the labels, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements represented that the articles consisted wholly of fruit preserves; whereas the apricot, peach, and strawberry preserves consisted in part of excessive water, and the loganberry preserves consisted of loganberries from which a substantial amount of the juice had been removed. Misbranding was alleged for the further reason that the statement "2 Lbs. 8 Oz.", borne on the jar label of the loganberry preserves, and the statement "Net Weight 4½ Lbs.", borne on the can label of the apple pectin jelly, were false and misleading, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser, since the jars and cans contained less than declared. Misbranding of the pectin grape and plum jams was alleged for the reason that the articles were food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the declaration was illegible.

On December 13, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$75 and costs.

R. G. TUGWELL, *Acting Secretary of Agriculture.*